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SUPREME COURT, U. S.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1962

No. 884

In The Matter Of:

HELBROS WATCH CO., INC., (A Corporation), JACK DIAMOND, NAT PRIGOZEN, LARRY PRIGOZEN, CARL AVNER, Individually and as officers of said Corporation, *Petitioners*,

v.

FEDERAL TRADE COMMISSION, *Respondents*.

MOTION FOR LEAVE TO FILE PETITION FOR RE-HEARING

Comes now the Petitioners, by counsel, and respectfully moves this Honorable Court for leave to file a Petition For Re-Hearing herein for the following reasons:

1. On the 22nd day of April, 1963, the Petition For A Writ Of Certiorari was denied by this Honorable Court.

2. Prior to the time prescribed by the Rules of this Honorable Court for filing a Petition For Re-Hearing, counsel for the Appellant presented the Clerk of this Honorable Court a Motion For An Extension Of Time Within Which To File A Petition For Re-Hearing and were advised by the Clerk of the Court, or one of his assistants, that the Motion was untimely made as the

Appellant had, under the Rules of this Court, twenty five (25) days in which to petition for re-hearing and through a misunderstanding on the part of counsel for the Appellant, we were of the opinion that the expiration date for filing a Petition For Re-Hearing was May 25, 1963. On May 22, 1963, the printer delivered the printed Petition For Re-Hearing to the Clerk of the Court, whereupon the Clerk of the Court communicated with counsel for the Appellant and advised counsel that the time for filing the Petition for Re-Hearing had expired on the 17th day of May, 1963.

3. Counsel for the Appellant respectfully urges upon this Honorable Court that the failure to file within the time prescribed was an honest mistake on the part of counsel for the Appellant and was not for the purpose of delay, as the Petition For Re-Hearing has been printed and with the Court's permission will be filed immediately upon this Honorable Courts' granting this motion.

4. It is respectfully urged upon this Honorable Court that the grounds set forth in the Petition For Re-Hearing are meritorious and legally sound.

WHEREFORE, the premises considered, the Petitioners, through counsel, respectfully urge this Honorable Court that an order be entered granting them leave to file a Petition For Re-Hearing.

Respectfully submitted,

JAMES K. HUGHES

Of Counsel:

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